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Letter dated 3 April 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report from Bosnia and Herzegovina submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 17 March 2006 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I would like to present my compliments to the Chairman and, with reference to the letter dated 20 December 2005, to enclose herewith the answers provided by the competent authorities of Bosnia and Herzegovina to the Counter-Terrorism Committee enquiry (see enclosure).

I wish to take this opportunity to express the readiness of the authorities of Bosnia and Herzegovina to fully cooperate with the Committee.

(*Signed*) Dr. Milos P. **Prica**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Bosnia and Herzegovina
to the United Nations

Enclosure*

Answers to questions of the Security Council Counter-Terrorism Committee
Reference: S/AC.40/Sub.co.A/OC.257

1.2. The Criminal Code of Bosnia and Herzegovina (*Official Gazette of BiH* 3/03) treats terrorism in the following articles:

Article 201 - Terrorism
Article 202 - Funding of terrorist activities
(See attachment)

Articles 201 and 202 are related to the following articles:

Article 191 - Taking of hostages
Article 191- Endangering internationally protected persons
Article 193 - Illicit trafficking in arms and military equipment
Article 194 - Illicit procurement and disposal of nuclear material
Article 196 - Piracy
Article 197 - Hijacking an aircraft or a ship
Article 198 - Endangering the safety of air traffic and maritime navigation
Article 199 - Destruction and removal of signal devices utilized for safety of the air traffic
Article 200 - Misuse of telecommunication signals
Article 212 - Illicit trade
Article 213 - Illicit manufacturing

Apart from the above, we would like to draw your attention to the following provisions of the BH Criminal Code:

Article 11 - Applicability of criminal legislation of Bosnia and Herzegovina to those perpetrating a criminal offence within the territory of Bosnia and Herzegovina
Article 12 - Applicability of criminal Legislation of Bosnia and Herzegovina to offences perpetrated outside the territory of Bosnia and Herzegovina

* Annexes are on file with the Secretariat and are available for consultation.

Article 26 - Attempt
Article 29 - Accomplices
Article 30 - Incitement
Article 31 - Accessory
Article 247 - Conspiracy to perpetrate a criminal offence
Article 248 - Preparation of a criminal offence
Article 249 - Associating for the purpose of perpetrating a criminal offence
Article 32 - Limitations in responsibility and punishability of collaborators
Article 35 - Intent
Article 36 - Negligence

1.3. Bosnia and Herzegovina has not adopted a law on law practice or law on notaries at the state level; these laws have been passed at the Entity level:

- Law on Notaries of Federation of BiH (*Official Gazette of the Federation BiH* 45/02)
- Law on Notaries of Republika Srpska (*Official Gazette of RS* 86/04)
- Law on Law Practice of Federation BiH (*Official Gazette of the Federation BiH* 25/02)
- Law on Law Practice of Republika Srpska (*Official Gazette of RS* 37/02)

The above Entity legislation regulates in an almost identical manner the issues of organization, powers and functioning of notaries, and organization and position of attorneys.

Concerning the obligation to report suspicious transactions, this is not stipulated in the above legislation but rather in the Law on Prevention of Money Laundering (*Official Gazette BiH* 29/04). This Law stipulates in Article 1:

"This Law shall determine measures and responsibilities for detecting, preventing and investigating money laundering and the funding of terrorist activities and shall also prescribe measures and responsibilities for international cooperation for the prevention of money laundering and the funding of terrorist activities."

Article 3 of the said Law stipulates persons under obligation to report, specifically mentioning attorneys and notaries.

1.4. The Prosecutor's Office of Bosnia and Herzegovina has so far processed a total of 49 cases with grounds for suspicion that the crime of money laundering referred to in Article 209 of the BH Criminal Code had been perpetrated. The Prosecutor's Office has so far won a total of 13 final and binding court verdicts, with total pronounced prison sentences of 49 years and 6 months, suspended sentences of 12 years, and fines as accessory punishment in the amount of KM 1.6 million (1 Euro = 1.9558 KM). At the same time, the Court of Bosnia and Herzegovina has seized property in the amount of KM 7,888,820.23 and $ 45,000.

1.5. The BH Law on Prevention of Money Laundering explicitly defines all persons under obligation in Article 3, including insurance companies. Article 7 of the Law stipulates the procedure of identification of the client when a transaction, person or client is suspicious. BH Minister of Security has prescribed guidelines regarding indicators of suspicious affairs. Below are paragraphs of Article 7 that relate to this issue:

(3) A person under obligation shall be required to identify the client during each transaction or connected transactions of KM 30,000 or more.
(4) Insurance companies and natural and legal persons brokering in the sale of life insurance policies, shall identify the client in relation to life insurance for which individual or several installments of the premium, that are to be paid in the period of 1 year, amount to KM 2,000 or more or the payment of the single premium is KM 5,000 or more. Identification shall also be performed when individual or several installments of the premium to be paid in the period of 1 year increase to KM 2,000 or more.
(5) Insurance companies and natural and legal persons brokering in the sale of insurance policies shall conduct the identification of the client in relation to a pension insurance, if the insurance policy can be transferred or used as collateral.

A novelty from the last report is that the Law on Private Insurance Companies has been passed in the meantime (*Official Gazette of Federation BiH* 24/05) and the same law has been passed in the RS. These laws envisage establishing the Agency for Supervision of Insurance Companies.

As for money transfers and currency exchange offices, we would like to note that there are no exchange offices as separate financial institutions in Bosnia and Herzegovina. All currency exchange is done by commercial banks, which are bound by regulations binding for the banking sector.

1.6. Law on Prevention of Money Laundering (*Official Gazette BiH* 29/04), Article 5, defines duties related to prevention, investigation and detection of money laundering and funding terrorist activities. According to the Law on the State Investigation and Protection Agency (SIPA) and other laws, activities related to promotion of co-operation between authorities of Bosnia and Herzegovina, the Entities and the Brčko District, responsible for the prevention of money laundering and funding terrorist activities, as well as activities related to promotion of co-operation and exchange of information with authorities of foreign States and international organizations responsible for the prevention of money laundering and funding terrorist activities, are carried out by the Financial Intelligence Department of SIPA. Measures to detect and prevent money laundering and funding of terrorist activities are undertaken in accordance with the Law on Prevention of Money Laundering, and by all persons under obligation: banks, post offices, stock exchanges, casinos, pawn shops, and others, including insurance and reinsurance companies, currency exchange offices and other persons under obligation stipulated in Article 7 of the Law.

In line with Article 18, paragraph 1 of the Law on Prevention of Money Laundering, when the Financial Intelligence Department suspects money laundering or funding of

terrorist activities in relation to a transaction, account or person, it may issue a written warrant (also a verbal warrant in urgent situations) for temporary suspension of the transaction or transactions for the duration of up to 5 days.

If it is suspected that there is property in foreign countries, that is checked by exchanging information with the financial intelligence unit of the respective country. Property, for which there are grounds for suspicion that it was gained as a result of a crime, may be temporarily seized, and the purpose of such seizure is to secure the property until the end of the criminal procedure or final seizure of property.

Financial Intelligence Department (hereafter FID) has been member of the EGMONT group since June 29, 2005, and the exchange of information regarding money laundering and funding of terrorist activities is done unimpeded between the members of the group. Also, with the view to improving exchange of information and data related to fight against funding of terrorism, FID has signed MoU's with several countries in the region.

Apart from the Law on Prevention of Money Laundering, the following Entity legislation is also relevant to these issues:

- Law on Banks of Federation BiH (*Official Gazette of FBiH*, issues 39/98, 38/00, 41/02)
- Law on Banking Agency of FBiH (*Official Gazette of FBiH*, issues 9/96, 27/98, 20/00, 45/00, 58/02 and 13/03). Especially important is Article 4, item (g), which in the duties of the Agency includes assisting with anti-terrorism measures relative to banks, upon request made by an authorized body, based on appropriate legislation or in line with special resolutions of the UN Security Council, and in cooperation with relevant institutions regarding this issue.
- Also, Article 4, items h), i), j), k) and l) of the same Law stipulates important activities of the Agency in this field.
- The above legislation exists also in Republika Srpska in almost identical texts.

1.7. FID consists of four Sections, employing currently a total staff of 15, with the view to expanding to a total of 24 employees envisaged in the job plan. In the past period, 30 reports on committed crimes have been forwarded to BH Prosecutor's Office, and 36 transactions have been temporarily frozen. The first stage of analytical software (AMLS system) for entering data on financial transactions reported by persons under obligation referred to in Article 3 of the Law on Prevention of Money Laundering has been finalized.

FID conducts training of staff through seminars organized by ICITAP, CAFAO, OHR, Association of Banks of BiH, Council of Europe, Anti-Money Laundering Directorate, U.S. Department of Justice, Visa Worldwide and TAIEX. It is of utmost importance to continue training the staff in the future, and in that respect we kindly ask for your recommendations.

FID has satisfactory technical equipment. FID has state of the art computers, Internet access and its own internal network. In the coming period, FID plans to establish as many links as possible with databases important for its work. We would also kindly ask for your recommendations in this respect.

1.8. State Border Service of Bosnia and Herzegovina (SBS BiH) has so far undertaken a number of activities with the view to improving measures for prevention of falsifying travel documents.

In relation to this, we would like to stress that SBS BiH has highly sophisticated equipment in two locations (head office and the International Airport Sarajevo) which have "docu boxes" that are used on a daily basis for checking the authenticity of travel documents and other documents submitted by persons crossing the state border.

We also have state of the art equipment for detection of false documents in the field office Northeast, in the town of Bijeljina.

All other border crossings are equipped with basic equipment for detection of false documents. If this equipment cannot confirm suspicions that document is fake, the document is sent to a location where SBS BiH has highly sophisticated equipment.

Furthermore, Department for False Documents at the SBS head office and the border crossings have two sets of original documents - specimen - which are used to establish the authenticity of the document under control.

Since June 2002 travel documents of Bosnia and Herzegovina are in line with international standards.

BH visa stickers are also in line with international standards.

Since January 1, 2005, an electronic visa issuance system has operated in BiH. It covers all diplomatic and consular offices of Bosnia and Herzegovina around the world and border crossings with the authority to issue visas. The system does not allow for visas to be printed without prior checks in relevant databases.

SBS BiH is connected with the Application for electronic visa issuance, which makes it possible to control all visas issued by any BH embassy or the BH Foreign Ministry.

We are also working to establish IMS system that should connect all existing databases of SBS BiH and databases of other agencies, but there is a major problem with connecting all border crossings into one network, because we do not have good quality equipment that would make it possible. This system should connect applications for electronic visa issuance, CIPS project, intelligence databases, databases of persons who have already crossed the state border, etc. We kindly ask for your assistance and recommendations.

At 8 border crossings, SBS BiH has OCR readers for electronic registration of persons crossing the border by reading data from their travel documents.

One of the priorities is certainly linking up with the CIPS database.

1.9. The issues of citizenship, including granting citizenship, are regulated by the Law on Citizenship of Bosnia and Herzegovina (*Official Gazette BiH*, issues: 4/97, 13/99, 6/03, 14/03 and 82/05), with which all other regulations in the field of citizenship have to be in line, both at BH level and Entity/Brčko District level.

Based on laws passed on single personal identification number, place of permanent residence and place of temporary residence of BH citizens, published in *Official Gazette BiH* 32/01, and based on Law on Central Registry and Information Exchange published in the same gazette, rulebooks and instructions in the same field passed during 2003-2004, the Directorate for implementation of CIPS project has organized centralized issuing of forms for and personal ID cards. This means that the authorities responsible for the issuance of ID cards (Ministries of the Interior of Entities and Cantons) do not have blank forms in their possession, which prevents falsification of forms. The same is valid for driver's license. Additionally, only a citizen of Bosnia and Herzegovina who possesses an ID card may have driver's license. When driver's license is issued, the data and the picture of the person in the ID card database are used.

The above laws and regulations stipulate the procedure for issuing an ID card and driver's license in Bosnia and Herzegovina, including the paperwork that the person applying has to submit. Immediately after submission, the person is photographed, and his/her fingerprints and signature are taken.

Authorities responsible for issuing public documents (Ministries of the Interior) perform the necessary clearance according to an established procedure, both during the regular procedure of issuance and when old documents are replaced. This is done in line with the instruction of the Ministry of Civil Affairs regarding the way in which documents are checked when submitted for ID cards, which includes confirmation of authenticity of previous documents and certificates from the Registry of Births and the Registry of Citizens.

These checks are made with other responsible authorities, such as the authorities that maintain the Registries of Births and Registries of Citizens, after which the ID card is made. The ID card is issued within 60 days after the application is submitted.

Regarding naturalized citizens of Bosnia and Herzegovina, especially persons from Africa and Asia (who were granted citizenship between 1992 and 1998, the Council of Ministers of Bosnia and Herzegovina is conducting activities to review these citizenships. A Citizenship Review Commission is to be established.

Especially important is the Personal Data Protection Bill, which is in the parliamentary procedure. After adoption, the bill will enable protection of personal data in accordance with European standards, including the establishment of a special Agency for protection of personal information. This will regulate the legal status of the state body in charge of personal data processing of BH citizens and maintaining the central database by transferring the duties of the existing CIPS Directorate to the Information Technology Agency, whose status as an administrative body will be regulated in a law establishing the Agency.

1.10. Since 2000, Bosnia and Herzegovina has passed two laws that regulate the movement and stay of foreign nationals and asylum. Activities are underway to amend the mentioned law in order to remove the observed shortcomings and in order to harmonize the law fully with EU standards and practices. It is important to note that Bosnia and Herzegovina has made significant progress since 2000 when it comes to prevention of illegal migration, and that illegal immigration in BiH is currently the lowest in the region.

The set of CIPS project legislation has been adopted and applied. Other activities in that respect have already been discussed under 1.9.

Also, Law on State Protection and Investigation Agency (SIPA) has been adopted. Law on Prevention of Money Laundering enabled the establishment of FID within SIPA (see answers under 1.6. and 1.7.).

Center for special police training at the state level has not been established (apart from the Training Center for State Border Service of BiH, which was established in 2003). This issue is closely linked to the police reform in BiH, which is in initial stages. Police training centers (Police Academies) currently exist within Entity Ministries of the Interior.

1.11. Extradition procedure is stipulated in the Criminal Procedure Code of Bosnia and Herzegovina (*Official Gazette BiH* 36/03), Articles 414-431. (See attachment).

Extradition procedure stipulated in the said Code is applied unless a different procedure is stipulated in an international agreement.

Bosnia and Herzegovina has ratified the 1957 European Convention on Extradition, and Protocols I and II (entered into force on July 24, 2005).

Bosnia and Herzegovina has bilateral agreements on international legal assistance, including extradition, with a number of countries: Albania, Algeria, Belgium, Bulgaria, Czech Republic, France, Greece, Italy, Hungary, Mongolia, Germany, Poland, Romania, Spain, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and former Soviet republics.

1.12. Indirect Taxation Authority as legal successor of former Entity (field) tax administrations is not yet a member of World Customs Organization (WCO), although all legal, organizational and material conditions have been met.

We would like to use this opportunity to ask for your assistance and recommendations of the Committee in order for ITA to become a member as soon as possible.

1.13. Civil Aviation Directorate of Bosnia and Herzegovina, a unit of the Ministry of Transport and Communications, has adopted Civil Aviation Safety Program. The following laws and regulations have been adopted: Law on Aviation of BiH (*Official Gazette* BiH 02/04), Civil Aviation Safety Program, and the Decision establishing the said program (*Official Gazette BiH* 26/04). ICAO standards have been incorporated in BH Civil Aviation Safety Program. All BH airports have a Safety Program approved. We would like to note that the International Airport Sarajevo won a prestigious award as the best European airport with under one million passengers a year at the 15th Congress of ACI-EUROPE AIRPORTS COUNCIL INTERNATIONAL, which was held in Munich, Germany, on June 22-24, 2005. Bosnia and Herzegovina will be subject of inspection by European Civil Aviation Conference on March 7-13, 2006.

1.14. Armed Forces of Bosnia and Herzegovina are still in transition, which includes activities toward defining the number and locations of storage facilities for arms and ammunition.

In facilities where arms and ammunition have been kept so far, no electronic security systems have been installed. Arms are still protected by physical security.

Defense Ministry of Bosnia and Herzegovina is determined that military arms would not be available for terrorist activities or criminal elements, which includes our determination to improve the existing security of facilities by installing electronic surveillance and security equipment.

2.

2.3. With respect to your analysis of potential areas where assistance could be useful, Bosnia and Herzegovina and its law enforcement institutions are particularly interested in the following:

1. Assistance and training in techniques of border and security investigation, and assistance in continued implementation of computerized measures of border control.

In that respect, Bosnia and Herzegovina is particularly interested in any assistance in the following fields:

- training in techniques of border patrols and security investigations,
- introducing computerized measures of border control,

- procuring necessary equipment for detection of explosives and other dangerous materials,
- anti-terrorism training (including terrorist trends, anti-terrorism intelligence concepts, traces of explosives and other dangerous materials).

Reasoning: Bosnia and Herzegovina has made significant progress in this field. With its own resources and donors' assistance, BiH has systematically improved border security since 2000. In June 2001, travel documents and BH visa stickers were brought in line with international standards. Since January 1, 2005, an electronic visa issuance system has functioned in BiH, covering all diplomatic and consular offices of BiH around the world and border crossings with the authority to issue visas. All border crossings are equipped with basic equipment for authenticating travel documents. Bosnia and Herzegovina is currently working to install electronic readers of travel documents at first category international border crossings (readers have been installed at 3 border crossings). Implementation of this project depends on funding, and any assistance would be welcome. Also, any assistance in training staff in techniques of border patrols and security investigation and assistance in procuring equipment for detection of explosives and other dangerous materials would be welcome.

2. Assistance and training in investigative techniques for money laundering, investigative techniques for financing terrorism.

As already mentioned under item 1.7. of this report, FID conducts some training of staff. It is necessary to ensure continuity of their training. It is also necessary to ensure adequate material and technical support in order to achieve higher efficiency in implementation of measures and actions within the FID's scope of work. In that respect, we kindly expect assistance and recommendations of the Committee.

3. With regard to: 1) Drafting laws that specifically incriminate financing terrorism and 2) Regulating alternative systems of transferring money to ensure that they are not used for terrorist purposes, we would like to ask for additional explanations. In the Criminal Code, Bosnia and Herzegovina incriminates financing of terrorist activities (Article 202), and the Law on Prevention of Money Laundering defines measures to suppress financing of terrorism and institutions responsible for conducting those measures.

4. We are of the opinion that "potential assistance areas" defined by CTC should be complemented by the following: training law enforcement agencies in methods of certain identification of terrorist perpetrators.

Attachment: Answers in electronic copy.

Sarajevo, December 16, 2005.

Answers to questions of the United Nations Security Council Counter-Terrorism Committee Reference: S/AC.40/2005/OC.308

Answers to the questions under paragraphs: 1. Implementation measures and 3. Assistance and guidance, Bosnia and Herzegovina has delivered to the Counter-Terrorism Committee (December, 2005)

2. Implementation of Resolution 1624 (2005)

Paragraph 1

2.1. What measures does Bosnia and Herzegovina have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Incitement to perpetrate a terrorist act (Article 201)[1], financing of terrorism (Article 202)[2] as well as other criminal offences are considered to be criminal offences according to

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[1] **Terrorism, Article 201**

(1) Whoever perpetrates a terrorist act with the aim of seriously intimidating a population or unduly compelling the Bosnia and Herzegovina authorities, government of another state or international organisation to perform or abstain from performing any act, or with the aim of seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of Bosnia and Herzegovina, of another state or international organisation,

shall be punished by imprisonment for a term not less than three years.

(2) If the death of one or more people resulted from perpetration of the criminal offence referred to in paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for a term not less than five years.

(3) If in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article the perpetrator intentionally deprived another person of his life, he

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

(4) A *terrorist act*, in terms of this Article, means one of the following intentional acts which, given its nature or its context, may cause serious damage to a state or international organisation:

a) Attack upon person's life, which may cause death;
b) Attack upon the physical integrity of a person;
c) Unlawful confinement of, keeping confined or in some other manner depriving another of the freedom of movement, or restricting it in some way, with the aim to force him or some other person to do or to omit or to bear something (kidnapping) or taking of hostages;
d) Causing a great damage to facility of Bosnia and Herzegovina, facility of government of another state or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss;
e) Kidnapping of aircraft, ships or other means of public or goods transport;
f) Manufacture, possession, acquisition, transport, supply, use of or training for the use of weapons, explosives, nuclear, biological or chemical weapons or radioactive material, as well as research into, and development of, biological and chemical weapons or radioactive material;
g) Releasing dangerous substances, or causing fire, explosion or floods the effect of which is to endanger human life;
h) Interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;
i) Threatening to perpetrate any of the acts referred to in items a) to h) of this paragraph.

[2] **Funding of Terrorist Activities, Article 202**

Whoever by any means, directly or indirectly, provides or collects funds with the aim that they should be used or knowing that they are to be used, in full or in part, in order to perpetrate:

General Provisions of the Criminal Code of BiH (CC BiH)[3]. They are stipulated in the following provisions:

General Provisions of the Criminal Code of BiH, Chapter V (Five), **Article 30 - Incitement** that stipulates that the criminal offence of incitement is:

Incitement, Article 30

(1) Whoever intentionally incites another to perpetrate a criminal offence, shall be punished as if he has perpetrated such offence.

(2) Whoever intentionally incites another to perpetrate a criminal offence for which a punishment of imprisonment for a term of three years or a more severe punishment is prescribed by law, and the criminal offence has never been attempted, shall be punished as for the **attempt** of the criminal offence.

Attempt, Article 26

(1) Whoever intentionally commences execution of a criminal offence, but does not complete such offence, shall be punished for the attempted criminal offence when, for the criminal offence in question, the punishment of imprisonment for a term of three years or a more severe punishment may be imposed, and for the attempt of another criminal offences when the law expressly prescribes punishment of the attempt alone.

(2) An attempted criminal offence shall be punished within the limits of the punishment prescribed for the same criminal offence perpetrated, but the punishment may also be reduced.

2.2. *What measures does Bosnia and Herzegovina take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?*

Through the functioning of its Anti-Terrorist Strike Force (consisting of the representatives of all the relevant institutions of BiH in the field of combating terrorism), as well as through the operation of its law enforcement police agencies, Bosnia and Herzegovina undertakes a number of measures aimed at combating all forms of terrorist activity.

A criminal offence referred to in Article 191 (*Taking of Hostages*), 192 (*Endangering Internationally Protected Persons*), 194 (*Illicit Procurement and Disposal of Nuclear Material*), 196 (*Piracy*), 197 (*Hijacking an Aircraft or a Ship*), 198 (*Endangering the Safety of Air Traffic and Maritime Navigation*), 199 (*Destruction and Removal of Signal Devices Utilised for Safety of the Air Traffic*), 200 (*Misuse of Telecommunication Signals*) and 201 (*Terrorism*) of this Code;

a) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel the authorities of Bosnia and Herzegovina or any other government or an international organisation to perform or to abstain from performing any act,

shall be punished by imprisonment for a term between one and ten years.

[3] Criminal Code of Bosnia and Herzegovina –Official Gasete of BiH 36/03

Pursuant to the Law on Intelligence and Security Agency of BiH, as well as to related by-laws and defined professional standards and norms, and through the implementation of methods, means, measures and actions that fall under its competence, the **Intelligence and Security Agency of BiH (OSA BiH)** works on gathering, analysing, maintaining and distributing the intelligence data that can be brought into relation with terrorist activities, both in the country and abroad. In this respect, OSA BiH intensively investigates the activities of individuals, groups, and entities that finance, incite, support, plan, prepare, organise and perpetrate activities that bear the characteristics of terrorism, be it the case of global terrorist threats or those terrorist activities whose motives and other characteristics are of regional or local nature. In the realisation of these activities OSA BIH carries out, inter alia, the cooperation with and exchange of data with some foreign national and international institutions (as defined by the Law on OSA BiH and related by-laws).

Within the scope of its competences and in line with the relevant Law, as well as with determined goals of its work program, the **State Agency for Investigation and Protection (SIPA)** carries out continued and planned activities related to surveillance, investigation and gathering of data on all the individuals, groups and entities linked to the planning and perpetration of terrorist activities, both in the country and worldwide. These activities are conducted primarily with the aim of taking preventive action, i.e. with the aim of development of such a security environment in BiH that would prevent the granting of refuge to those individuals for whom there are credible and relevant information that they support or incite the perpetration of terrorist acts.

Other police agencies, the BiH State Border Service, the Ministry of Interior of the Federation of BiH and the Ministry of Interior of Republika Srpska, as well as other bodies, also carry out, in line with their scope of competences, the above-mentioned activities.

We want to emphasize that the Council of Ministers of BiH has established the State Commission for the review of status of citizenship granted by naturalisation in the war period 1992 -1995, particularly those that were granted to the individuals of Afro-Asian origin on the basis of their participation in the recent war in BiH.

Paragraph 2

2.3. *How does Bosnia and Herzegovina cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?*

In BiH's reply to the questions posed by the Security Council Counter-Terrorism Committee (CTC) (Dec. 2005) in the points 1.8 and 1.9, we have indicated all the activities relating that issue. We are supplementing our response with the following elements: there is a good cooperation with the police forces of other states, particularly at

the regional level, implemented on the basis of the signed agreements on police cooperation. In this respect, there is an exchange of all the security-related findings and periodical joint working meetings where we discuss how to improve mutual cooperation.

The counter-terrorism activities conducted at the state border are reflected in a strengthened control of persons, their luggage, as well as in a detailed control of suspicious individuals, by way of interviews with those individuals who are found "interesting" (on the basis of intelligence data gathered by OSA, INTERPOL as well as on the basis of the information gathered in cooperation with the police agencies of other countries). The State Border Service currently keeps an updated data base of search warrants for individuals, as well as of records of individuals suspected or assumed to be linked to the perpetration of criminal offences of international terrorism. In these records that are accessible in electronic form to all the SBS BiH units on the country's border crossings, there are also the data contained in the UN List of Individuals and Entities Suspected for Terrorism (R - 1267).

The counter-terrorism measures are particularly emphasised at the international airports of BiH, especially Sarajevo International Airport.

With the development of IT network, as well as with the installation of optical readers of travel documents at the terrestrial border crossings, the functioning of SBS BiH has become greatly facilitated since the data bases are automatically updated and, in specific cases, the system itself searches the data base while scanning documents and alerts accordingly the officers of the SBS BiH about suspicious individual. We want to mention here also that the project of IT networking of our border crossings has not been completed yet and that BiH is investing significant efforts in order to secure financial resources for its full realisation.

Bosnia and Herzegovina also considers now the introduction of new bio-metric travel documents.

Paragraph 3

2.4. *What international efforts is Bosnia and Herzegovina participating in or considering participating in/initialling in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?*

As a multi-ethnic and multi-religious country, Bosnia and Herzegovina contributes and wishes to further contribute to the coexistence in the world. An open atmosphere of inter-ethnic and inter-religious dialogue, which we have systematically promoted in the recent years in BiH, bears good prospects with visible results, not only in BiH, but also in the countries of the region. E.g., the Law on the Freedom of Religion and Legal Status of Religious Communities has become almost the "model" for the whole region highly evaluated by the international community and human rights institutions.

2.5 *What steps in Bosnia and Herzegovina taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?*

BiH has given its reply to this question in Paragraph 1 of Point 2.2.

Paragraph 4

2.6 *What is Bosnia and Herzegovina doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of Resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?*

Bosnia and Herzegovina has incorporated into its Constitution all the provisions of European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); therefore, it is the country's constitutional obligation to secure the highest degree of alignment of its legislation with all the provisions of this Convention. The Constitution also stipulates the obligation of securing full respect for: international humanitarian law, Universal Declaration on Human Rights, the International Covenant on Civil and Political, as well as International Covenant on Economic, Social and Cultural rights, and Framework Convention on the Rights of Persons belonging to national or ethnic, religious and linguistic minorities, as well as other human rights instruments.

Thus, the provisions of the Criminal Procedure Code of BiH (CPC BiH), in its Chapter entitled **Special investigative actions**, which include some temporary restrictions of fundamental rights and freedoms in the procedure of gathering information and evidence necessary to conduct the criminal procedure are fully harmonised with the above-mentioned international human rights instruments. In line with the stance that human rights and freedoms may be restricted only in case of protection of legitimate public interest and values (ref. Article 8, Para. 2 ECHR), these measures and actions observe the following universally accepted principles: all actions and measures must be envisaged by law; special investigative actions may be conducted only when the goal of investigation could not be achieved in any other way; these measures can be applied only in the serious and complex cases; their duration must of limited duration.

In accordance to its Constitution and to the international law, as well as in line with its earlier practice (the above-mentioned example), Bosnia and Herzegovina shall engage itself in the implementation of Resolution 1624, which implies that, by doing so, it will pay particular attention to the protection of human rights.